



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twentieth and twenty-first periodic reports of Algeria*

1. The Committee considered the combined twentieth and twenty-first periodic reports of Algeria (CERD/C/DZA/20-21) at its 2590th and 2591st meetings (see CERD/C/SR.2590 and 2591), held on 22 and 23 November 2017. At its 2606th and 2607th meetings, held on 4 and 5 December 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined twentieth and twenty-first periodic reports of the State party in line with the treaty-specific reporting guidelines (CERD/C/2007/1). It expresses its appreciation for the open and constructive dialogue with the State party's delegation and wishes to thank it for the information provided orally and the additional material provided in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party which contribute to the implementation of the Convention:

(a) The establishment of the National Human Rights Council in accordance with the constitutional amendment of March 2016;

(b) The recognition of the Amazigh language as a national and official language, in 2016.

4. The Committee notes with satisfaction the State party's ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in September 2016.

C. Concerns and recommendations

Provision of data

5. The Committee takes note of the explanations provided by the State party regarding the reasons that prevent it from collecting data that refer to the ethnicity of persons constituting its population. It nevertheless regrets the absence in the State party report of statistical and socioeconomic data on the ethnic groups of Algeria and on non-citizens, especially from sub-Saharan countries, residing in the territory of the State party (art. 1).

* Adopted by the Committee at its ninety-fourth session (20 November–8 December 2017).



6. **The Committee reiterates the recommendation made to the State party in its previous concluding observations (CERD/C/DZA/CO/15-19, para. 10) to provide it with all relevant information on the economic and cultural situation and living conditions of the country's population and of non-citizens, especially from sub-Saharan countries, living in its territory, disaggregated by sex, colour and descent, nationality or ethnic origin, to allow the Committee to assess the extent to which these groups enjoy their rights under the Convention on an equal footing with the rest of the population. It also recommends that the State party take the necessary measures to prevent discrimination based on ethnic origin, nationality, colour or descent.**

Definition of racial discrimination

7. The Committee notes that the definition of discrimination contained in article 295 bis 1 of the Criminal Code includes all elements of the definition set out in article 1 of the Convention. Nevertheless, the Committee is concerned that the definition in the Code is limited to criminal matters. It regrets the lack of information regarding the harmonization of that definition with article 32 of the Constitution and other relevant legislation (art. 1).

8. **The Committee recommends that the State party ensure that all elements of the definition of racial discrimination in its Criminal Code consistent with article 1 of the Convention are incorporated into other relevant pieces of legislation so as to facilitate the application of the definition in all relevant fields, as well as in the field of criminal law.**

National Human Rights Council

9. The Committee takes note of the establishment, by the constitutional amendment of March 2016, of the National Human Rights Council, which replaces the National Advisory Commission for the Promotion and Protection of Human Rights. It regrets, however, the lack of information on the functioning of the Council and on the human and financial resources that will be allocated for its operation (art. 2).

10. **With reference to its general recommendation No. 17 on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party take all measures necessary to ensure the independence of the new National Human Rights Council and to provide it with the human and financial resources necessary for its operation in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It also recommends that every effort be made so that the National Human Rights Council obtains A status accreditation from the Global Alliance of National Human Rights Institutions.**

Hate speech and racially motivated violence

11. The Committee is concerned at reports of instances of racist hate speech by public persons, in particular directed against certain Amazigh populations and migrants. It is also concerned about the rise and trivialization of racism and xenophobia in sports stadiums and the media, including social networks, against the same groups of people. Furthermore, the Committee is concerned that this situation may have given rise to a climate conducive to acts of racially motivated violence (arts. 2 and 4).

12. **In the light of its general recommendation No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party condemn and distance itself from any hate speech by public persons directed against, inter alia, certain Amazigh populations and any vulnerable group or person. It also recommends that the State party firmly combat hate speech in the media, including on social networks, and in sports stadiums. Furthermore, the Committee recommends that the State party take effective measures to ensure that all instances of racially motivated speech and acts of violence, as well as incitement to commit such acts, in particular against a specific race or specific group of individuals of another colour or ethnicity, are investigated and that the perpetrators are prosecuted and punished. The State party should conduct public awareness-raising campaigns to combat racism and hate speech**

and to promote migrants' rights, and encourage initiatives to foster dialogue and understanding between different groups.

Promotion of the Amazigh language and culture

13. The Committee notes the efforts made by the State party to promote the Amazigh language and culture, in particular the amendment to article 4 of the Constitution of 6 March 2016, which provides that "Tamazight is also a national and official language" and also provides for the creation of an Algerian academy of Tamazight language. The Committee is nevertheless concerned that Tamazight cannot yet be used in all government offices, courts, social services or other State services and that the organic law provided for in article 4 of the Constitution has not yet been passed. While taking into consideration the State party's commitment to make the efforts necessary to standardize Tamazight, the Committee notes that this official language is taught from the fourth year of primary school, that it is an optional language of instruction and that the Algerian Academy of Tamazight Language has not yet been established. The Committee notes the efforts made by the State party to deal with the refusal by civil registrars to register some Amazigh first names but it remains concerned that some families continue to be denied the possibility of registering their children with Amazigh first names. The Committee is further concerned at reports that some historic sites of cultural significance to Amazighs have not been preserved (art. 5).

14. **The Committee recommends that the State party:**

- (a) **Expedite the enactment of the organic law provided for in article 4 of the Constitution;**
- (b) **Accelerate the effective introduction and use of Tamazight as an official language in government offices, courts, social services and other State services;**
- (c) **Establish the Academy of Tamazight Language and provide it with the resources necessary for its functioning;**
- (d) **Ensure that all civil registrars register Amazigh first names without discrimination;**
- (e) **Take the measures necessary to protect all of the State party's cultural heritage, including historic and archaeological sites of cultural significance to Amazighs.**

Regional economic disparities

15. The Committee regrets that the State party has not provided it with information on the measures taken to reduce the regional economic disparities that continue to affect the regions inhabited by Amazighs, as requested by the Committee in its previous concluding observations (CERD/C/DZA/CO/15-19, para. 15). It remains concerned about the continued marginalization of these regions and the administrative obstacles to private investment in these regions (art. 5).

16. **The Committee repeats the recommendation (CERD/C/DZA/CO/15-19, para. 16) made to the State party in its previous concluding observations to step up its investment efforts in the most marginalized regions, especially those where Amazigh populations live. In the light of its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee recommends that the State party consider adopting special measures to raise the standard of living of the populations living in these regions to the same level as the rest of the population.**

Violence in the M'Zab region

17. The Committee is concerned about the repeated acts of violence between Ibadite Mozabites and Sunni, Arabic-speaking Chaamba that occurred in 2013 and 2015 in particular and which caused deaths and destruction of property, especially among the Mozabite community. The Committee is further concerned about reports concerning the involvement of the security forces in the violence and the impunity reportedly enjoyed by

certain groups following these incidents. While it notes the information provided to it during the dialogue with the State party's delegation, the Committee nonetheless regrets that the information was fragmentary, in particular with regard to the steps taken to investigate these events, punish those responsible and prevent their recurrence (arts. 2 and 5).

18. The Committee recommends that the State party inform it about the root causes of the violence in the M'Zab region and take the measures necessary to prevent its resurgence. It also recommends that the State party provide information about the investigations conducted into the violence, the prosecutions brought and the penalties imposed on the perpetrators and to prevent thereby any feeling of impunity on the part of certain groups. In addition, it recommends that the State party ask its security forces to fulfil their duty to provide protection during such clashes in order to prevent tension and hatred from being stirred up between these groups. Lastly, the Committee recommends that the State party take measures aimed at promoting dialogue, tolerance and understanding between the various groups.

Situation of non-nationals

19. While noting the information provided by the State party's delegation, the Committee is concerned about the lack of clarity regarding the criminalization of irregular migration under Act No. 08-11 of 25 June 2008 on the conditions of admission, stay and movement of foreign nationals in Algeria. The Committee is further concerned at the arrests of migrants, in particular sub-Saharan migrants, carried out in 2016 and 2017 as part of the State party's policy to combat criminality, begging and irregular immigration, despite the fact that some held residence status. It is also concerned that some of these persons were detained in inadequate conditions and collectively expelled. The Committee notes with regret the lack of information concerning respect for the principle of non-refoulement in the context of such expulsions. The Committee is also concerned about reports that migrants, in particular sub-Saharan migrants, are sometimes denied access to their economic, social and cultural rights and are victims of labour market abuse. Furthermore, the Committee is concerned at reports that some migrants, especially sub-Saharan migrants, cannot move freely within the State party owing, for instance, to transport and taxi companies being banned from accepting them aboard (arts. 2 and 5).

20. In the light of its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:

(a) Ensure that all cases of racial discrimination and violence are recorded, investigated and prosecuted, that offenders are punished and that victims receive compensation;

(b) End collective expulsion procedures, ensure respect for the principle of non-refoulement, consider on a case-by-case basis the situation of persons liable to deportation and ensure that, pending their expulsion, persons are held in decent conditions and that their fundamental rights are guaranteed;

(c) Take the necessary steps to ensure that migrants have effective access to their economic, social and cultural rights;

(d) Prevent racial discrimination against migrants, especially those from sub-Saharan countries, in the sphere of employment, including by strengthening inspections of their working conditions and prosecuting employers for economic exploitation;

(e) Provide information regarding current laws on irregular migration, specifying in particular whether it constitutes a criminal offence;

(f) Remove all obstacles to the movement of migrants, especially sub-Saharan migrants, including the ban on transport and taxi companies allowing them aboard.

Situation of refugees, asylum seekers and stateless persons

21. The Committee notes that the situation of asylum seekers, refugees and stateless persons continues to be governed by Decree No. 63-274 of 25 July 1963 laying down procedures for the application of the Convention relating to the Status of Refugees. The Committee is nevertheless concerned:

(a) That the legal and institutional framework established by the Decree is neither comprehensive nor adequate and thus does not provide effective protection of the rights of asylum seekers, refugees and stateless persons;

(b) At reports that some sub-Saharan asylum seekers and refugees are arrested, detained and expelled without an individual examination of their situation;

(c) That the State party has not provided it with statistical data on the number of asylum seekers, refugees and stateless persons residing in its territory or on their access to economic, social and cultural rights (art. 5).

22. **The Committee recommends that the State party:**

(a) **Accelerate the adoption of the bill on refugees and stateless persons with a view to establishing a comprehensive and adequate legislative and institutional framework that reflects the asylum situation in its territory and complies with international standards, as requested by the Committee in its previous concluding observations (CERD/C/DZA/CO/15-19, para. 18);**

(b) **Ensure that asylum seekers and refugees are not arrested, detained or expelled in a discriminatory fashion, and respect the principle of non-refoulement;**

(c) **Guarantee the rights of asylum seekers, refugees and stateless persons, without discrimination;**

(d) **Provide the Committee with data on the number of asylum seekers, refugees and stateless persons, including the number of applications received and those rejected, and also indicate the number of appeals brought against rejection decisions.**

Human trafficking

23. The Committee takes note of the explanations and statistical data provided by the State party, as well as the information on legislative measures taken by the State party to combat trafficking in persons and protect victims, in particular articles 303 bis 4 to 303 bis 10 and 343 of the Criminal Code, and the provisions of the Criminal Code on the smuggling of migrants. Nevertheless, the Committee is concerned about the persistence in the State party of trafficking in persons, in particular persons from sub-Saharan countries, for the purposes of exploitation, domestic labour, begging and prostitution (art. 5).

24. **The Committee recommends that the State party continue its efforts in this regard and adopt a national strategy to combat trafficking in persons. It further recommends that the State party:**

(a) **Step up the fight against trafficking in persons, in particular persons from sub-Saharan countries, by ensuring that its legislation is applied effectively in all cases;**

(b) **Investigate all instances of trafficking in persons brought to its attention, prosecute the perpetrators and punish them appropriately, and ensure that victims receive reparation;**

(c) **Strengthen protection and assistance for victims and facilitate the lodging of complaints, in particular by ensuring that victims have effective access to legal and psychological assistance, and social services, including housing, in cooperation with civil society organizations;**

(d) **Continue training and awareness-raising activities for law enforcement officials, including border immigration officials, on the identification of victims of trafficking in persons.**

Provision of data on complaints of racial discrimination

25. While noting that the State party has incorporated a definition of racial discrimination in its legislation, in particular Act No. 14-01 of 4 February 2014, the Committee notes with regret that the State party has provided it with very little detailed information concerning complaints, prosecutions, sanctions and reparation in cases of racial discrimination since 2014 (arts. 2, 4 and 6).

26. **The Committee recalls that, according to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the absence of complaints and legal action brought by victims of racial discrimination may reveal, among other things, poor awareness of the legal remedies available, a lack of will on the part of the authorities to prosecute the perpetrators of such acts, a lack of trust in the criminal justice system or a fear of reprisals against victims. The Committee requests that the State party:**

(a) **Facilitate the lodging of complaints in a secure environment that prevents reprisals and provide in its next report statistics on the complaints received, the prosecutions initiated, the sanctions imposed on the perpetrators of offences of racial discrimination and the redress provided to the victims;**

(b) **Continue to train magistrates, judges, prosecutors and police officers on national legislation on racial discrimination;**

(c) **Make such legislation widely available to the public at large, including migrants, refugees and persons living in remote areas, so that they are aware of their rights, including all the legal remedies available to them in cases of racial discrimination.**

Obstacles to the registration of non-governmental organizations (NGOs) and associations

27. While noting the information provided by the State party, the Committee is concerned about reports of administrative obstacles to the registration and accreditation of NGOs and associations, in particular those working to defend the rights of Amazigh populations (art. 5).

28. **The Committee recommends that the State party ensure that its legislation is effectively implemented and that there are no administrative barriers to the establishment and registration of NGOs and associations, including those working to defend the rights of Amazigh populations.**

Human rights defenders

29. The Committee is also concerned about reports regarding the intimidation, arrest and detention of some human rights defenders and the confiscation of their passports.

30. **The Committee also recommends that the State party ensure that human rights defenders do not face discriminatory measures, including intimidation, arrest, detention and the confiscation of passports.**

D. Other recommendations

Ratification of other treaties

31. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination.**

Follow-up to the Durban Declaration and Programme of Action

32. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the**

Convention, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on the action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

33. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and carry out a suitable programme of measures and policies. It requests that the State party include in its next report detailed information on the specific measures taken in this regard, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

34. The Committee recommends that the State party continue consulting and expand its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Amendment to article 8 of the Convention

35. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Common core document

36. The Committee encourages the State party to update its common core document, which dates back to 2004, in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I), in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to concluding observations

37. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 18, 20 (c) and 24 (a).

Paragraphs of particular importance

38. The Committee also wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 10, 22, 26 and 28, and requests the State party to provide detailed information in its next periodic report on the specific measures taken to implement them.

Dissemination of information

39. The Committee recommends that the State party's reports be made readily available to the public as soon as they are submitted and that the Committee's

concluding observations with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

40. The Committee recommends that the State party submit its combined twenty-second to twenty-fourth periodic reports by 15 March 2021, taking into account the guidelines for the CERD-specific document adopted by the Committee at its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In accordance with General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
